

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
---	---

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
 filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 07-01427 WHA	DATE FILED March 12, 2007	U.S. DISTRICT COURT 450 Golden Gate Avenue, PO Box 36060, San Francisco, CA 94102
PLAINTIFF EXONHIT THERAPEUTICS		DEFENDANT JIVAN BIOLOGICS
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,881,571		
2		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT See attached Stipulation and Entry of Judgment
--

CLERK Richard W. Wieking	(BY) DEPUTY CLERK William Noble	DATE March 2, 2010
-----------------------------	------------------------------------	-----------------------

Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

1 WILLIAM E. THOMSON, Jr. (Bar No. 047195)  
2 BROOKS KUSHMAN P.C.  
3 Howard Hughes Center  
4 6701 Center Drive West, Suite 610  
5 Los Angeles, California 90045  
6 Telephone: (310) 348-8200  
7 Facsimile: (310) 846-4799  
8 E-Mail: wthomson@brookskushman.com;  
9 Attorneys for Plaintiffs  
10 ExonHit Therapeutics S.A.  
11 ExonHit Therapeutics, Inc.

12 DAVID R. SHAUB (Bar No. 032322)  
13 LISBETH BOSSHART MERRILL (Bar No. 201822)  
14 STEPHEN D. MORGAN (Bar No. 239345)  
15 SHAUB & WILLIAMS LLP  
16 12121 Wilshire Boulevard, Suite 205  
17 Los Angeles, CA 90025-1165  
18 Tel : 310-826-6678  
19 Fax : 310-826-8042  
20 Email: lawfirm@sw-law.com  
21 Attorneys for Defendant  
22 Jivan Biologics, Inc.

23 UNITED STATES DISTRICT COURT

24 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

25 EXONHIT THERAPEUTICS S.A.  
26 a French société anonyme, and EXONHIT  
27 THERAPEUTICS, INC., a Delaware  
28 Corporation,

Plaintiffs,

v.

JIVAN BIOLOGICS, INC.  
a Delaware corporation,

Defendant.

JIVAN BIOLOGICS, INC.  
a Delaware corporation,

Counter-Claimant

v.

EXONHIT THERAPEUTICS S.A.  
a French société anonyme, and EXONHIT  
THERAPEUTICS, INC., a Delaware

Case No. C07 1427 WHA (JCS) (EDL)

**STIPULATION AND CONSENT TO  
ENTRY OF JUDGMENT**

CASE NO. C07 1427 WHA (JCS) (EDL)

**STIPULATION AND CONSENT TO  
ENTRY OF JUDGMENT**

1 Corporation,

2 Counter-Defendants

3  
4  
5 Plaintiffs ExonHit Therapeutics S.A. and ExonHit Therapeutics, Inc. (collectively  
6 "ExonHit"), and Defendant, Jivan Biologics, Inc. ("Jivan") hereby agree and consent to entry of  
7 Judgment on the terms set forth below:

8  
9 **STIPULATION AND CONSENT TO JUDGMENT**

10 1. This case arises under the Patent Act, 35 U.S.C. § 1 et seq. This Court has jurisdiction  
11 over the parties and the subject matter hereto, and venue is proper in this District.

12 2. ExonHit filed its Complaint against Defendant Jivan on March 12, 2007. ExonHit's  
13 complaint sets forth a claim against Jivan for infringement of United States Patent N°6,881,571  
14 (the "'571 Patent").

15 3. ExonHit Therapeutics S.A. is the owner of all rights, title and interest in the '571  
16 Patent, entitled "Qualitative Differential Screening".

17 4. Jivan has infringed, induced others to infringe, and/or contributed to the infringement  
18 of the claims of the '571 Patent by making, having made, using, selling and/or offering to sell  
19 splice variant microarray device that were made, used, sold, and/or offered for sale prior to entry  
20 of this Stipulation And Consent To Entry of Judgment. At the time of infringement, Jivan was  
21 aware of the existence of the '571 Patent.

22 5. All claims of the '571 Patent are valid and enforceable.

23 6. The reexamination proceeding before the U.S. Patent and Trademark Office,  
24 including specifically the amendment to claims 1 and 12, did not substantively change the claims  
25 of the '571 patent.

26 7. Jivan shall not challenge the validity nor assist any third party, directly or indirectly, in  
27 challenging the validity or enforceability of the '571 Patent.

28  
CASE NO. C07 1427 WHA (JCS) (EDL)

--1--

STIPULATION AND CONSENT TO  
ENTRY OF JUDGMENT

1           8. In any action to enforce the terms of this Consent Judgment, Jivan shall not assert any  
2 affirmative defense to patent infringement for any splice variant microarray device made, used,  
3 sold, or offered for sale prior to the date of entry of this Consent Judgment.  
4

5  
6                                   **JUDGMENT**

7           The Court, pursuant to the stipulation of the parties, ORDERS, ADJUDICATES AND  
8 DECREES that:

9           1. Judgment is entered against Defendant for infringement of the '571 patent, and to  
10 this end, as of the date of this Judgment, Jivan and its officers, directors, owners, agents, servants,  
11 representatives, employees, assigns and successors shall be and are hereby permanently enjoined  
12 and restrained from making, using, selling, or offering to sell any devices that infringe, literally or  
13 under the doctrine of equivalents, the claims of the '571 Patent, or importing such infringing  
14 devices into the United States, or inducing others to infringe or contributing to the infringement  
15 of the claims of the '571 Patent.

16           2. Jivan's counterclaims are dismissed with prejudice.

17           3. ExonHit releases Jivan from claims for damages for Jivan's splice variant microarray  
18 devices and services sold prior to entry of this Consent Judgment.

19           4. This is a final judgment. No appeals shall be taken from this judgment, and the parties  
20 waive all rights to appeal. This is not adjudication on the merits by the Court. The Court  
21 has not accepted (or rejected) any of the stipulated items set forth above. Nonetheless,  
22 based upon the above stipulation, the Court will enforce the stipulated judgment as  
23 between the litigating parties.

24           5. This Court shall retain jurisdiction over the parties and this action for purposes of  
25 enforcing the Stipulation and Consent to Judgment.  
26  
27  
28

1 Dated: March 1, 2010

EXONHIT THERAPEUTICS, S.A.

2  
3 By: [Signature]  
Loic Maurel  
President, Management Board

4  
5 Dated: March 1, 2010

EXONHIT THERAPEUTICS, INC.

6  
7 By: [Signature]  
Loic Maurel  
President

8  
9 Dated: March 01, 2010

JIVAN BIOLOGICS, INC.

10  
11 By: [Signature]  
Sudha Srinivasan  
Corporate Executive Officer

12  
13 APPROVED AS TO FORM AND CONTENT:

14  
15 Dated: March 1, 2010

BROOKS KUSHMAN P.C.

16  
17 By: [Signature]  
William E. Thomson, Jr.  
Attorneys for Plaintiffs

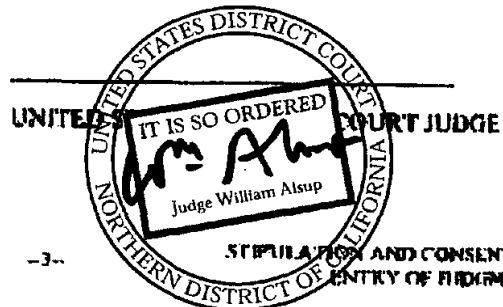
18  
19 Dated: March 1, 2010

SHAUB & WILLIAMS LLP

20  
21 By: [Signature]  
Elizabeth Bonham Merrill  
Attorneys for Defendants

22  
23 IT IS SO ORDERED. THE CLERK SHALL CLOSE THE FILE.

24  
25 Dated: March 1, 2010.



CASE NO. 07-1427-WHA (JCN) (EDL)